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THE MARINE RECORD.

DEVOTED TO COMMERCE, ENGINEERING AND SCIENCE.

VOL. IX No. 43. CLEVELAND, O., NOVEMBER 3, 1887. $2.00 PER ANNUM SINGLE COPIES 5 CENTS

AROUND THE LAKES.

CLEVELAND.

Captain S. B. Grummond and wife paid this port a visit Tuesday.

Vessel captains are requested to keep a lookout for the body of Captain Kerr at the lower part of Detroit river.

The tug W. D. Cushing towed the schooner H. A. Kent to Lorain to bring back the Forest City Ice Co.'s barge from Put-in-Bay.

Messrs. W. B. Scott & Son promptly paid the loss of the Ætna Insurance Co. on the freight list of the schooner Niagara, lost on the 7th of September.

After lightering 500 tons of coal the tugs Samson, Gregory and Forest City pulled the schooner Zack Chandler off the beach and brought her to this port. She will be repaired here.

G. C. Barnes, agent for the Ætna shaking grate, who has supplied that pattern to nearly all the new steamboats launched this season, last week received an order for seven sets for the new soldiers' home at Sandusky, O.

Captain H. D. Ingham, master of the wrecked schooner Zack Chandler, has accepted appointment as mate of the steamer D. C. Whitney. The Whitney was at Ashtabula on Tuesday, and the captain, after receiving his papers, joined her there.

After the owners abandoned the schooner Zack Chandler to the underwriters she was sold to Palmer & Benham, Captain J. Hutchinson and Wallace Wright for $2000. There are two pumps on her and they hope to get her off before another blow comes up.

Captain F. R. Brower, of Ashland, Wis., owner of the passenger steamer S. B. Barker, the steam yacht Wabun and other favorite boats, was in the city last Friday. Captain Brower is looking for another passenger steamer to put into his line, and will correspond with the owners of the Perriwinkle for the purchase of that boat.

The repairs to the Cambria which went into Cleveland drydock Friday, comprised seven new frames, straightening several floor keelsons, and replacing two twelve feet plates. The plates removed were the ones which were indented some time ago by striking an obstruction, and when the new ones are put in, her bottom will be as smooth as ever.

Chief Engineer Silas H. Hunter is anxiously inquiring among the boys to find out who sent him that elegant baby carriage. We can tell him that Chief Mate John Noonan and First Asst. Engineer Wm. Lowe, of the Geo. Spencer and some others of her crew, can give him a few pointers as to where it came from and who presented it to his wife.

The Cleveland life savers will give their eighth annual ball on December 16. They have secured the city armory for the purpose and as all lake stations will be closed by that date they hope to be able to extend their hospitality to many of the brave men who are engaged in the business of saving life with them.

About 9 o'clock Monday night a sand scow, owned by Robert Greenhalgh, was towed into the river from the wreck of the Zack Chandler. The scow was loaded with coal and had a crew of three men, John Davitt, Paddy and Miles Clark. When near the Main street bridge the signal was given and the draw was opened. As the scow passed through, one end of the bridge swung around and struck the boiler house. The three men, seeing that a collision was inevitable, leaped into the river. The Clarks gained the docks in safety, but Davitt was drowned. The body was recovered by the life saving crew and taken to Heffron's morgue. Davitt was a married man and lived in the rear of No. 109 Main street.

Contract was closed Tuesday for the construction of another fine steamer at this port. The Messrs. Quayle's Sons, builders within the last year of the steamers Samuel Mather, Robert R. Rhodes, Missoula, and Yakima, are to do the work. The owners will be Mr. Robert R. Rhodes, Captain J. W. Moore and others. She will measure 265 feet keel, 282 feet over all, 41 feet beam, and 23 feet hold. Her expected cost when complete is $100,000. She will be ready for sea on the opening of navigation next year. Boilers and engines are to be built by Trout & Co., of Buffalo. The outfit will be first-class in every particular, and will embrace all the latest improvements of steam steering gear, steam windlass, capstan, etc.

Captain D. P. Dobbins was pleased by receiving from Superintendent Kimball, of the life saving service, orders to at once ship by rail one of his life boats to the station at Point Betsey and one to Big Point au Sable, on the east shore of Lake Michigan, two dangerous localities. These boats are identical with the one recently used at Cleveland in rescuing the crew of the schooner Zack Chandler, during a violent gale, after the boat's bottom had been destroyed in hauling it over rocks to launch it. It looks as if the general superintendent of this important service had become thoroughly awake to the fact that life saving crews must have staunch and reliable boats in order to do brave work. The crews at Point Betsy and Big Sable have suffered much hardship and even loss of life in using their old open surf boats, and it is time they got boats in which their own lives would be safe and with which they might help those in distress. The Dobbins boat has been severely tried and found to have all qualities which a life boat should have. There are other stations which should be furnished with these boats.

Meteorological summary for the week ending November 2:

Mean barometer	30 16
Mean temperature	41.6
Mean humidity	67.6
Total precipitation	Trace.
Prevailing direction of wind	Easterly.
Total wind movement	1209
Av. cloudiness	4 0
Av. state of weather	Fair.
Max. temperature, highest	51.6
Min temperature, lowest	30 4

WILLIAM LINE, Sergt. Signal Corps, U. S. A.

Charters made yesterday were propeller Business, wheat, Duluth to Buffalo, 7½c; propeller Fred Kelley and schooner M. R. Warner, corn, Chicago to Buffalo, 4¾c; schooner H. J. Webb, coal, Cleveland to Escanaba, 80c; same boat, pig iron, Fayette to Cleveland, $1.85; schooner Queen City, ore, Marquette to Ohio ports, $2.25; schooner E. R. Williams, coal, Sandusky to Escanaba, 80 cents; schooner Francis Palms, coal, Cleveland to Gladstone, 80 cents; schooner Monticello, coal, Lorain to Marine City, 60 cents.

KINGSTON.

The schooner W. R. Taylor, grain laden from Chicago to Kingston, is now known to have been lost with all on board. Captain James Dix, the commander, was a well known navigator and a resident of this place. George Crawford and Robert Crosby, members of the crew, were also Kingston men.

MARQUETTE.

The Bradley has been lightered of considerable coal, and a few hours more would probably have effected her release. Five large pumps are on her. Captain Quinn of Detroit is here in the interest of the insurance companies to look after the Ply mouth.

The Canadian steamer Celtic of the Kingston, Montreal, and Port Arthur line, with the schooner Bessie Berwick in tow, is badly disabled at McKay's harbor, on the north side of this lake, near Passport. The tug A. J. Smith will tow the Celtic back to that place.

FRANKFORT.

The R. A. Seymour is pounding to pieces alongside a pier at Otter Creek. A line became entangled in her wheel, and prevented her from making her escape when the gale sprung up.

CHICAGO.

Special to the Marine Record

Grain freights were active at 5½ cents on wheat and 5 cents on corn to Buffalo.

Captain George A. Gunderson, of the schooner Carrier, of this port, wishes to publicly express his thanks to the captain and crew of the Whitehall and Montague life saving station for their valuable assistance, rendered when the Carrier struck the Montague pier a short time ago.

The schooner Maine, which went ashore north of Milwaukee pier on the 23d of October, has gone to pieces. Captain Simon Christopher saved some of her gear, which was attached by the crew for their wages and the value of their lost wearing apparel. The owners of the Maine offered to pay the men their wages, but some firm of lawyers at Milwaukee had paid the men $5 each and advised them to fight the case. The gear was left for the lawyers and men to share between them, as the owners of the Maine did not wish to throw away good money in law expenses.

At the Chicago Drydock Co.'s the propeller Jay Gould was in dock for some new bottom plank and calking; the tug Protection for repairs to her stern bearing; the schooners Wolverine and James Garrett to have leaks stopped; propeller J. L. Hurd for repairs to shoe and rudder; steambarge John Otis for calking bottom; the propeller City of Traverse for repairs to her stern-bearing; schooner C. P. Minch received new rudder stock; schooners A. E. Vickery and C. C. Trowbridge new center boards; schooner Melvina, barge Severn, propeller Africa minor repairs.

At Miller Bros. Drydock Co.'s the propeller Argonaut was in for a new outboard shaft, some calking and repairs; propeller Monohanset for repairs to her wheel; steambarge Berrien for some new plank in bottom and calking; schooner Mocking Bird and propeller Africa to have leaks stopped; steamship Tioga to have a loose wheel fastened; schooner Glad Tidings was in dock to have a leak stopped; schooners Andrew Jackson and E. A. Nicholson received new booms.

The captains of nearly fifty schooners which lay at the lumber market during Saturday and Sunday nights received notice to appear before the collector of customs at this port for not having anchor lights lighted and placed in position on their vessels, and were threatened with a fine if they did not attend to instructions in future. Many of the captains thought it unnecessary to put up their lights, as they were lying inside of several other vessels, but they will no doubt obey orders in future.

A great deal of dredging ought to be done in the draws of Chicago bridges. Sewers discharge into nearly every draw and leave such large deposits that the river is fast becoming unnavigable for the larger class of steam vessels, particularly when southerly winds lower the river from ten to twenty inches below the ordinary stage. All of the branches were blocked last Thursday by vessels getting aground. The steamer W. H. Wolt grounded in the draw of Polk street bridge and could not be released. She was finally abandoned for the night, the bridge remaining open.

The rebuild of the burned steamer Champlain is nearly completed, and she will be put in the water at Milwaukee shipyard within a few days. Practically a new boat has been constructed. Of the Champlain only the stern-post and a few feet of the keel remain. Her dimensions are as follows: Length of keel 167 feet, over all 180 feet, beam 29 feet, hold 12 feet 6 inches. The frames are spaced 20 inches from centers, and 4-inch timber has been utilized for outside planking and ceiling, the latter being edge bolted. The iron chords, one 12 inches wide by ⅝ thick under the main deck, and another 10 inches wide by ⅝ thick under the promenade deck, run from stem to stern, while six diagonal straps, three at each end run from the main chord to below the bilges. In constructing the hull the model of the Champlain was preserved as nearly as possible, thus assuring speed, excellent sea-going qualities, and unusual strength. The new steamer will carry the engine of the Champlain, the working portions of which have been thoroughly overhauled; also the shell of the Champlain's boiler, the interior having been renewed at a cost of $3,000. Like the Champlain, the steamer will have a full length cabin, provided with first-class accommodations for passengers. No name has yet been chosen for the craft. Captain Bishop will probably command the new boat when she goes into commission.

Captain Fitch telegraphed Ed. Ayer Tuesday that the schooner Mary D. Ayer had been released and is lying at the dock at Alpena. Her cargo is being unloaded. Two hand pumps keep her free. Her rudder and shoe are gone.

The crew of the Orkney Lass libeled her for unpaid wages Tuesday. Many other claims were filed against the vessel and she will probably be sold by the marshal.

Judge Blodgett decided an admiralty case Friday. About a year ago the schooners Pomeroy and Elgin were chartered to carry grain from Chicago to Point Edward. After arriving at their destination the vessels were detained a week or more before the elevator would receive their cargoes, and the owners of the vessels brought demurrage suits against the Grand Trunk Railway Co., to whom the cargoes were consigned. Judge Blodgett decided that there was no cause for action because the burden of the evidence showed that the vessels had been notified that they were liable to suffer detention at the time the charter was made.

The schooner Charlie Marshall, owned by J. D. Marshall, of this port, lost her mainmast and mizzen topmast and sprung her mizzenmast, off Clay Banks, at noon on the 31st, in a heavy gale. She also lost most of her canvas.

WILLIAMS.

TWO RIVERS.

Five fishing tugs went out from Two Rivers, Wis., Wednesday and brought back the bodies of seventeen men and two women who had been aboard the foundered propeller Vernon, making twenty-two bodies that have been recovered. The engine house at Two Rivers was turned into a morgue, where the remains were stretched side by side to enable identification by the relatives and friends who flocked there from Manitowoc. The faces were all placid and in good condition except two, whose expression gave evidence of intense suffering. All were clothed fully except the women, who were without headgear, but were otherwise fully attired. Their long hair was dishevelled and matted, but their faces were not disfigured, and they looked enough alike to be sisters. They wore skirts of a brocade pattern and there was nothing about them that enabled identification. The first body recognized was that of Fred Burk. As the father gazed upon the features of his dead son in the improvised morgue he gave way to his emotions and sobbed aloud, while the other searchers for beloved ones stood around in silent sympathy. Only seven of the bodies were identified. They are: George Thorpe, of Ogdensburg, N. Y., captain of the Vernon; John Sullivan, Chicago, first mate; Larry Higgins, Chicago, second mate; Martin Lebeau, Chicago, porter; Fred Burk, Chicago, clerk; Roy Hazleton, Chicago, cabin boy; E. B. Borland, Milwaukee, passenger. In the pocket of the coat worn by one of the unidentified dead was a letter postmarked Port Washington and addressed to Adolph Hazelbarth, Milwaukee.

KENOSHA.

The schooner Edna went down two miles east of here last Wednesday afternoon. The crew was taken off by the life saving crew. The schooner will be a total loss.

DESERONTO.

The steel steamer Cibola was launched at Deseronto, Ont., Tuesday afternoon. She will run next season between Niagara and Toronto.

MARITIME LAW.

RE-INSURANCE — TRANSFER AFTER LOSS — ERRORS OF LAW—CRIMINAL INDICTMENT.

The People appellants, against Lorenzo Dimick, respondent.

October 4, 1887.

The defendant was indicted in the superior court of the city of Buffalo in April 1884. The indictment contains three counts; and the first count charges in substance that on the 10th day of December, 1883, the defendant, with intent to deprive and defraud the true owner of its property and the use and benefit thereof, and to appropriate the same to the use of the defendant or some person or body corporate unknown, did feloniously, falsely and fraudulently pretend and represent to the Thames and Mersey marine insurance company, a body corporate, that said company had therefore made and effected through the firm of Crosby & Dimick, composed of Thomas G. Crosby and the defendant, certain insurance upon the cargo of the schooner James Wade, whereby it had insured the cargo of said schooner for the benefit of some person or body corporate unknown in the sum of $5,000, and that a loss had theretofore and after the making of the said insurance occurred on the cargo of the vessel, thereby the liability of the said company had accrued and become fixed in the sum of $5,000, and that the said company was legally liable to pay said loss to the said Thomas G. Crosby and the defendant for the benefit of some person or body corporate unknown entitled to the same, that the company believing such representations to be true, and relying on the same, were thereby induced to, and did, at the City of Buffalo, on the 10th day of December, 1883, pay over and deliver to the defendant, and the dedefendant did then and there obtain from the possession of the company by color and aid of such representations, with intent to deprive and defraud the true owner thereof, and appropriate the same to his own use, and to the use of some person or body corporate unknown, the sum of $4,975 of which the company was the true owner, and to the use and benefit of which it was entitled; that the company had not theretofore made and effected any such insurance upon the cargo of said schooner through the firm of Crosby & Dimick or otherwise; that no such loss had occurred upon the cargo of said vessel for which the company was liable to pay any sum of money whatever; that it had not become liable to pay any sum or moneys whatever upon any loss whatever upon the cargo of said schooner by reason of any insurance made or affected through its agents or through the defendant or otherwise; that in fact each and every of the pretences and representations were wholly false, fraudulent and untrue, as the defendant then and there well knew. The second count charged that on December 10th, 1883, at the City of Buffalo, the defendant drew upon Angus J. Macdonald the general agent of the Thames and Mersey marine insurance company, and duly authorized by it to pay the same from its money, in case the drawer thereof was then and there lawfully entitled to draw upon him for payment of the same, a certain draft in the name of Crosby & Dimick for the sum of $4,975 to the order of Crosby & Dimick, when in truth and in fact the defendant and said firm was not lawfully entitled to draw upon the drawee therein named for that or any other sum, and the defendant knew such to be the case; and the defendant did then and there, with intent to defraud said insurance company by color and aid of such draft, obtain from it the sum of $4,975. In the third count, it charges in substance the defendant with secreting, withholding, taking, stealing and carrying away from the possession of the true owner, the Thames and Mersey insurance company, the sum of $4,975, and appropriating the same to his own use or to the use of some person or body corporate unknown.

The defendant demurred to the indictment as follows; (1) "That the indictment does not conform substantially to the requirements of sections 275 and 276 of the code of criminal procedure, in that it does not contain a plain and concise statement of the act constituting the alleged crime without unnecessary repetition, nor does it set forth the act charged as an offence;" (2) "That more than one crime is charged in the indictment within the meaning of sections 278 and 279 of said code;" (3) "That the the facts stated do not constitute a crime."

This indictment was thereafter moved into the court of Oyer and Terminer, where the demurer was overruled, and the defendant pleaded to the indictment.

Subsequently the defendant was brought to trial, convicted and sentenced to the state prison for a term of five years. A motion for a new trial was made by the defendant before the judge who presided at the Oyer and Terminer, and was denied. He then appealed to the general term, and the judgement was reversed and a new trial ordered, and the people then appealed to this court.

Geo. T. Quinby, district attorney, for appellant.

Spencer Clinton and Daniel L. Lockwood, for respondent.

Earl, J.

The Thames and Mersey marine insurance company, limited, of Liverpool, London and Manchester was a foreign corporation authorized to transact business in this state, and it had a general agency for this country in the city of New York, which was in charge of Angus J. Macdonald, its general agent. The Union insurance company of Philadelphia, and the Insurance Company of the State of Pennsylvania corporations authorized to do business in this state, and the Continental insurance company was a domestic corporation. During the year 1883, Thomas G. Crosby and the defendant, Lorenzo Dimick, were insurance agents at Buffalo, doing business under the firm name of Crosby & & Dimick, and as such they had the agency of all these companies, although in fact, the agency of the Continental insurance company was in the individual name of Dimick. They were the general agents of all the companies for their inland marine insurance, and as such had very general and extensive powers. They had sub agents at various ports upon the lakes who took risks upon vessels and cargoes and reported them to Crosby & Dimick at Buffalo, who were authorized to re-insure such risks, or a portion of them, in their discretion.

The particular facts constituting this crime, as the evidence tends to show, are as follows: In the latter part of October 1883, an insurance was affected in the Union insurance company by the sub agent at Detroit upon a cargo of wheat in the schooner James Wade for the voyage from Detroit to Buffalo for $10,500, Crosby & Dimick were at once notified of such insurance. By the direction of the defendant, $7,000 of that risk were at once re-insured in the Continental insurance company, and proper entries to that effect were made on the papers, and books of the firm, and the re-insurance became effectual. The schooner never reached her destination, and after the defendant had heard of her loss, about the middle of November, he gave directions to some of the clerks in his office to cancel the re-insurance in the Continental and place $5,000 of re-insurance in the Thames and Mersey. By erasures on the books and papers and new entries this was in form done, the purpose being to shield the Continental from loss and to impose it to the extent of $5,000 wrongfully and fraudulently upon the Thames and Mersey. Subsequently the defendant represented to Macdonald that the Thames and Mersey had the insurance of $5,000 upon the cargo of the Wade, made to him proofs of loss, and drew upon him a dratt for the amount less a small percentage, to wit the sum of $4,975, which he, as agent for the Thames and Mersey, paid, and thus the alleged crime was consummated.

The general term in its order of reversal certified that it found no reason for granting a new trial in the exercise of its discretion or upon the facts after a full consideration of the same, and that it reversed the judgement and granted the new trial for error of law exclusively. We are therefore confined in our examination of this case exclusively to the consideration of question of law raised in the record.

As appears by the opinion pronounced at the general term, the reversal was there based upon two errors of law which we will first consider.

Upon the trial Macdonald was called and examined as a witness for the people, and then he was cross-examined on behalf of the defendant. During his cross-examination he was questioned as to a certain civil action commenced by the Thames and Mersey Insurance Co. against the defendant in which he had verified the complaint. Without showing or permitting him to read the complaint, defendant's counsel asked him what he swore to as to a particular matter, and he gave answers showing that the complaint contained an allegation somewhat at variance with his evidence upon his direct examination. After his cross examination was concluded, he was re-examined on behalf of the people, and the district attorney said: "I desire to offer this copy of the complaint in evidence—the whole of it." Counsel for the defendant said: "I object to it." And the Court said: "I think it may be put in evidence for the purpose of showing what he testified to; it can't be evidence upon any other point." The record then shows that the objection was overruled, that an exception was taken, and that the complaint was received and marked as an exhibit.

The complaint did contain much matter not relevant to the cross-examination of Macdonald, and not needful or pertinent to explain or qualify such cross examination. It contained thirteen counts, only one of which related to the matter inquired of upon the cross-examination, and, therefore, the whole complaint was, in no sense, competent evidence, and if the court ruled that it was all competent and allowed it to be read to the jury, as now claimed by the defendant, a clear error was committed. The district attorney had the right to read so much of the complaint as related to the cross-examination and as tended to explain or qualify the facts elicited upon such examination as to its contents and no more. It can not be presumed that the trial judge committed the obvious error of allowing the whole complaint to be read to the jury as evidence, and it does not appear that he did. The record does not even show that any part of the complaint was read to the jury, much less that the whole of it was. The district attorney could not prove part of the complaint without proving the whole of it, and he could not put part of it in evidence without proving the whole of it. The whole having been proved the defendant should have objected to the reading of more than was pertinent and material. Instead of doing that, he objected to the whole of it as evidence, and in no way called the attention of the court to the point that only a portion of it was competent. The whole complaint was necessarily received in evidence and marked as an exhibit. But it is a fair construction of what was said by the trial judge in overruling the defendant's objection that he received the complaint only for the purpose of showing what Macdonald had sworn to as to the matter inquired of upon his cross-examination, and that he ruled that it was not evidence as to any other matter. With these limitations the complaint was properly received in evidence, and the general objection, therefore, was not well taken.

The trial judge charged the jury to the effect that whether the insurance was legal or illegal, the re-insurance by the Thames and Mersey is of no consequence; and to this portion of the charge the counsel for the defendant excepted, and it was supposed at the general term that this exception pointed out substantial error.

If the effect of the judge's charge was to give the jury to undersand that it made no difference in the case whether the re insurance in the Thames and Mersey was legal or illegal, then the portion of the charge excepted to was erroneous. If the insurance was legal, then there was no false pretense, and no crime was committed within section 528 of the penal code, and the gist of the charge made against the defendant in the indictment was unproved.

Even if a single phrase isolated from the rest of the charge should be found to be erroneous, the judgment should not, on that account be reversed, if the whole charge properly instructed the jury, and it can be seen with reasonable certainty that the erroneous portion did not mislead the jury nor influence their verdict.

Reading the whole charge, there can be no mistake as to its meaning. It clearly instructed the jury that before they could convict the defendant, they must find that the insurance in the Thames and Mersey was illegal and invalid, and that the defendant obtained the money of Macdonald by falsely pretending that the insurance was valid, and that the company was liable to pay.

The whole course of the trial showed clearly that it was the purpose of the people to show that the insurance in the Thames and Mersey was effected by the defendant after the cargo of the "Wade" was known by him to be lost, when he could not effect a legal or valid insurance thereon, and that it was the purpose of the defendant to show and claim that the insurance was made before the loss was known to the defendant; and long before the charge was given, the jury must have fully comprehended that the defendant could not be convicted unless they found that the insurance was effected by him after knowledge by him of the loss as claimed by the people. The whole sentence of which the phrase excepted to is a portion is as follows: "The court charges the jury to the effect that whether the insurance was legal or illegal the re-insurance by the Thames and Mersey is of no consequence, assuming that the general agent of the Thames and Mersey had it represented to them that there was a re-insurance or insurance in their company which was entered in the books, and that relying upon it, their agents so representing, they paid the money on the strength of the representation though that was false; that they would be guilty of the offense alleged in the indictment if they by reason of the fact that the time had gone by when they could make a legal insurance, the insurance itself was illegal." Here is undoubtedly some confusion of ideas and an unfortunate and infelicitous use of language, and the entire meaning of the learned judge is certainly not clear. But in view of the course of the trial above alluded to, there can be no reasonable doubt that the jury understood that they could not find the defendant guily of the offense charged, unless they found that the insurance was illegal because effected by the defendant after he had knowledge of the loss. This is made still more clear by a reference to other portions of the charge. Immediately following the portion of the charge above quoted, the judge charged the jury that the agents could effect re-insurance upon vessels lost, provided that they did not know of the loss, and that such iusurance would be legal; that "the meaning of the contract (between the company and the agents) is that when a boat starts out with insurance upon it, the agents had full power and right to re-insure, though not knowing or having notice or suspicion that a loss had occurred. Though it turns out that the insurance was effected when the schooner was lying at the bottom of the sea, it would be a valid insurance under these contracts. On the other hand, an insurance is taken out and no re-insurance is effected until the vessel is actually lost, and until a notice is given to the agent of the loss, and thus a re-insurance is effected with the intent and for the purpose of defrauding either the agent or one company in preference to another, and with intent to defraud the company with whom the re-insurance is put, and it is done with the knowledge or suspicion for that purpose and intent that the vessel is at the bottom of the sea, then the crime is committed because it is not the intent of the contract that a re-insurance could be effected upon a loss which was decided at the time it was effected, assuming such a loss got to the knowledge of the person effecting the insurance or re-insurance. So the jury will see what the question of fact for them to decide is, as to whether in the case before us, that the "James Wade" insurance was effected in the Thames and Mersey after notice came to the defendant of the loss of the vessel. If the jury should find that the re-insurance alleged and charged in the indictment was effected after such loss, and that the defendant knew it, and that it was effected with intent and for the purpose of defrauding this company in which the insurance was made for the benefit of one company in preference to another, or for the agent's own benefit, or both, with that intent or felonious intent, then the offense charged in the indictment would be made out: otherwise not." Then after calling attention to the evidence on both sides as to the times when the re-insurance was effected in the Continental, and in the Thames and Mersey; and the time when the defendant had notice of the loss of the "Wade," he further charged: "You have the evidence introduced on the part of the people, and the evidence introduced on the part of the defense upon that proposition, upon that branch of the case, and one question of fact, and a very important question of fact for the jury to determine is as to whether this re-insurance from the Continental, thus re-insuring the Continental from a portion of her burden, was effected after notice of the loss got to the defendant, whether he caused such re-insurance to be made for the purpose and with the intent of charging some other company with the payment of the loss instead of the company in which the re-insurance had been regularly effected." There is more in the charge to the same effect. It was impossible for the jury from the course of the trial and the whole charge to misapprehend the law. They were plainly instructed that if the insurance in the Thames and Mersey was effected by the defendant before he had notice of the loss, it was a lawful insurance and the defendant could not be convicted, and that if such re-insurance was effected after the defendant had knowledge of the loss, it was unlawful and invalid, and the evil and fraudulent intent being found, the defendant could be convicted. And this instruction was right. Marine insurance can lawfully be effected upon property "lost or not lost" and Crosby and Dimick had authority to make such insurance. But the phrase "lost or not lost" in marine insurance always has reference to cases where property has started upon its voyage, and the parties to the insurance have no knowlege whether it has been lost or not. In such cases the insurance is against an unknown event, and the underwriter takes the risks of the arrival of the property at its destination, and thus there is something to insure. But in case the property has been totally lost, and the parties to the insurance know that there is nothing to insure, there is no longer any risk, no unknown event upon which to base a contract of insurance, and no future event to be indemnified against, and hence there can be no valid or lawful insurance.

(To be Continued.)

LITERARY NOTICES.

The November number of HARPER'S MAGAZINE is introduced by a charming frontispiece, entitled "A Fairy Tale," from a painting by F. S. Church, accompanied by an anonymous sonnet interpreting the idea of the picture, entitled "A Child shall Lead them."

The attractions of Southern California life are cleverly displayed by Edwards Roberts, in "A Santa Barbara Holiday," beautifully illustrated. Theodore Child contributes an interesting and important article on "Chantilly:" The author of the recent articles on Chili and Costa Rica contributes another South American paper on "The Other End of of the Hemisphere. The serial novels, "Narka," by Kathleen O'Meara, and "April Hopes," by W. D. Howells, comes to a close in this number.

The Editor's Easy Chair pleasantly discusses the English Criticism of American Newspapers, the Newport Summer School, the Temperance Agitation, and other timely topics. Charles Dudley Warner opens the Editor's Drawer with a spicy page upon Beautiful old Women. Among the lively features of the humorous feast are two illustrations by Hyde and DuMaurier.

THE ATLANTIC.—"A Lady of the Old School" is the opening paper in the November number It is a most charming paper. Miss Jewett has a delightful sketch of a New England by-way called "The Landscape Chamber," a curious story full of suggestion. Percival Lowell continues his series of articles, "The Soul of the Far East," by a paper on Oriental Art, and John Fiske has another of his clear and readable studies in American History, this time devoted to an account of the adoption of the Constitution—a very timely topic. A careful description of the "Red Cross" society and its work is given by Helen H. S. Thompson, and Bradford Torrey has a pleasant paper on "An Old Road." "Historic Points at Fort George Island" are depicted by S. G. W. Benjamin. A paper on "Girl Novelists of the Time," three poems of merit, and the serials by Mrs. Oliphant and Mr. Aldrich, and by Mr. Crawford, close a number of more than usual worth. Houghton, Mifflin & Co., Boston.

THE MOST INTERESTING MARINE NEWS,

Concerning directly every sailor after navigation closes is how most advantageously, to invest his hard-earned money. Flannel garments being mostly wanted before any other, to give the body an equal temperature, and absorb the perspiration, it becomes necessary to purchase pure woolen fabrics. We, the unersigned, Kohn & Co., of Boston Dry Goods Store, 213 Detroit st., near corner Pearl, Cleveland, O., established since 1866 in this city, have made the manufacturing of *Flannel, Cassimere, Waterproof Shirts*, scarlet *Undershirts* and *Drawers* a specialty, to be sold direct to consumers. Therefore, we are *the only Retailers* in this city who make genuine *home-made Shirts*, 52-inches wide, 36 to 40 inches long, extraordinarily well sewed, or make them *to order* according to the taste of the Customer *without extra charge*. Remember this! We are also constantly prepared to meet the wants of the Vessel trade in the supply of *Comfortables, Blankets, Table linens, Sheets* for bunks, *Pillow-cases, etc*, or any necessary equipments for bedding, which we also *sew to order at shortest notice*. The *Custom merchant tailoring department* connected with our establishment, and conducted by our son, Jo. L. Kohn, a tailor and cutter, furnishes the nobbiest *Dress, Evening or Business Suit* from $8 to $10 less than any merchant tailoring establishment, for he saves the expense of *extra Rent* and the employ of an *extra cutter*—all done to advertise himself. Kohn & Co., 213 Detroit st., near corner Pearl.

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A clergyman, after years of suffering from that loathsome disease, Catarrh, and vainly trying every known remedy, at last found a prescription which completely cured and saved him from death. Any sufferer from this dreadful disease sending a self addressed stamped envelope to Professor J. A. Lawrence, 212 East 9th St., New York, will receive the recipe free of charge.

The imports of gold during the past week were $1,548,932.

H. D. COFFINBERRY, Pres't. ROBERT WALLACE, Vice Pres't. WM. M. FITCH Sec'y.

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Detroit and Center Streets, Cleveland, Ohio,

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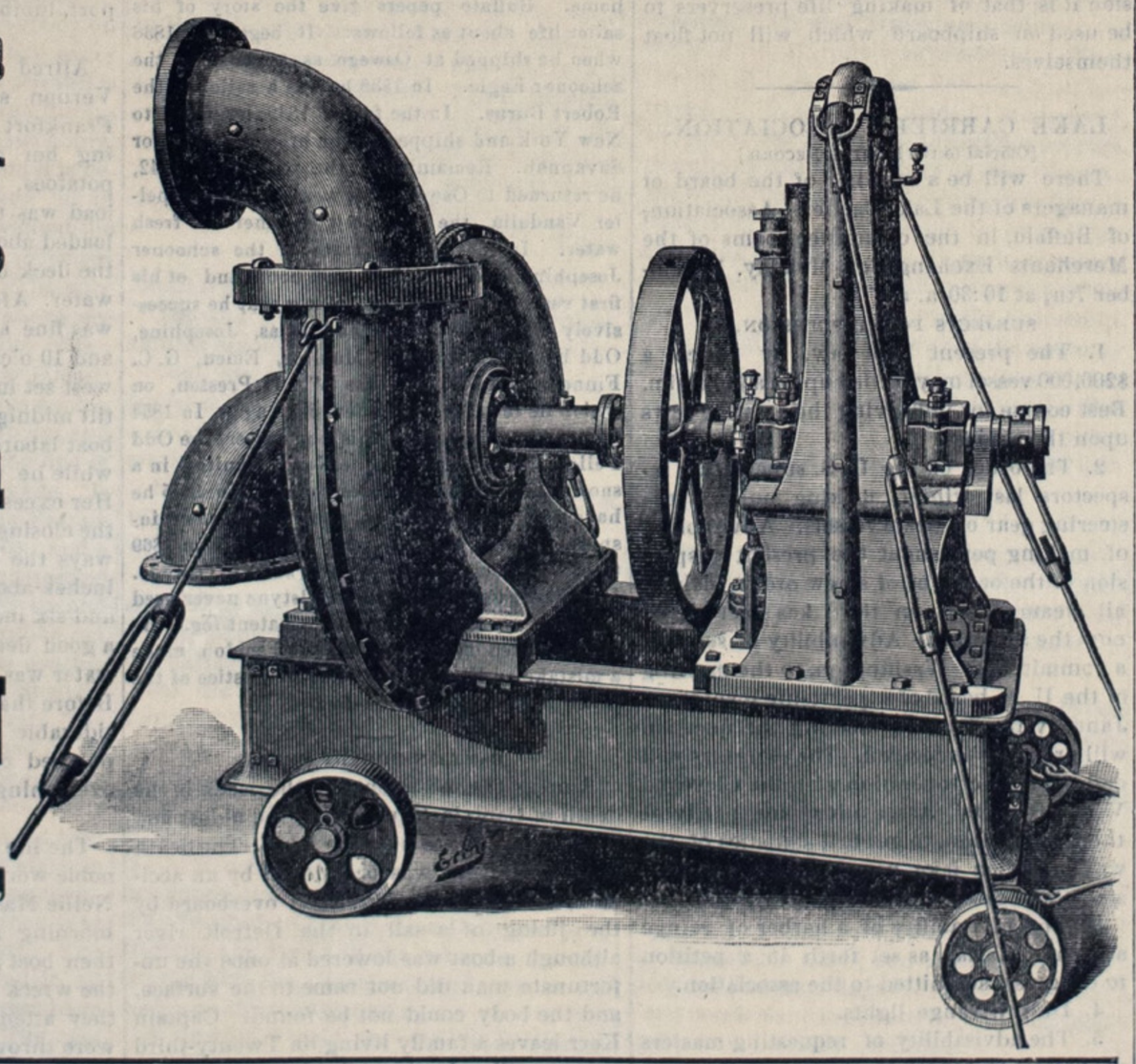

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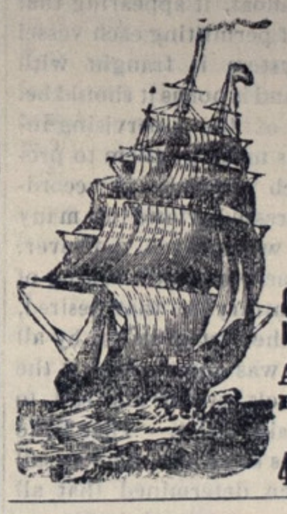

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Marine Record

Published Every Thursday at 144 Superior Street, [Leader Building] Cleveland, O.

A. A. POMEROY, EDITOR AND PROP.

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Evans & Van Epps, Superior street, Cleveland.

R. A. Castner, 254 Detroit street, Cleveland.

ASHTABULA HARBOR, O.—C. Large.

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Subscribers and others are respectfully invited to use the columns of the MARINE RECORD for the discussion of pertinent topics.

Entered at the Post Office at Cleveland as second-class mail matter.

CLEVELAND, O., THURSDAY, NOV. 3.

UNIFORM STEERING GEAR.

It was our purpose last year to ask the government to define a uniform steering gear for all vessels afloat, it appearing that the present system of permitting each vessel to adopt its own system is fraught with danger and disaster, and is not as it should be. At the last meeting of the supervising inspectors an effort was made by them to promulgate a plan which would be in accordance with the expressed views of many vessel owners. It was proven, however, that they adopted a measure, the working of which would be contrary to that desired, and in opposition to the system in use by all foreign marine. It was our purpose at the time to have all vessels, steam and sail. to act alike on a certain order. That is, to have all steam vessels steer the same as sail vessels. It had been determined that all sail vessels steered the same, and that three-fourths of the steam vessels were uniform with them, and the order was rescinded by the treasury department. We trust that at the next meeting of the board of supervising inspectors this matter will again come up and receive more intelligent consideration, and that uniform system will be adopted, that all vessels be made to steer alike. It is not an expensive change that is asked for, and it is really necessary in the nterest of safety that it should be adopted.

AT the meeting of the board of trade Friday, the question of providing more harbor room at this port was discussed, and it was decided to enlist the influence of the board in the project. Remarks favorable to the enterprise were made by several members, and the following resolutions, introduced by Hon. George W. Gardner, was unanimously adopted:

WHEREAS, The board of industry, at a recent meeting adopted a resolution recommending a change in the plan established by the general government for constructing an eastern arm of the breakwater, was to provide a greater area of protected harbor space, for refuge purposes, and suggesting co-operation by the board of trade committee on harbor and lake improvements, therefore

Resolved, That the board of trade most heartily concur in the proposition to secure a sufficient area of water as a protected harbor of refuge, believing a much larger area than will be afforded by the present plan to be an absolute necessity, if the intention of the government is to provide secure anchorage ground for even a small portion of the vast commerce of the inland lakes, so secure that life and property may be safely cared for during the frequent violent storms of the dangerous season of navigation, and be it further

Resolved, That, being fully impressed with the great importance of the proposed improvement, and with a view of aiding by all legitimate means a consummation of the proposition the board of trade committee on harbor and lake improvements be, and they are hereby requested to co-operate with the special committee of the board of industry, in an effort to induce the authorities to provide an adequate harbor of refuge, such as the increasing business of the already large marine interests require.

At the request of the various interests involved Mr. Gardner and Mr. Goulder agreed to undertake the task of securing the necessary statistics and petitions. They will prepare a statement of the marine business in years past and the prospective increase in the next half decade.

THE Ashtabula *Record*, of Saturday, said: It was reported some time ago that the government inspectors would visit Ashtabula ere the close of the season, and look into the advisability of establishing a life saving station at this point, but so far they have failed to appear. The question of establishing a life saving station at this port has been more or less agitated for several years, and persons in power have made promises which they have never fulfilled. The need of such an institution here is very apparent, not only from the fact that wrecks are liable to occur, but the already enormous and steadily increasing lake trade of Ashtabula makes many occurrences where a life saving station would be particularly valuable and needed. The friends of the project are by no means idle, but on every possible occasion are pushing the claims of Ashtabula for recognition.

IT is known that every vessel is compelled by law to carry one or more small boats, but there is no compulsion on masters to take proper care of their boats, and they are too often neglected. After being carried all summer in the sun on deck the seams open and when occasion requires them to be launched they are utterly unfit for use. Masters should see to it that their small boats are always tight and seaworthy.

THE work on the proposed range lights at Duluth has been largely done by the chamber of commerce and harbor committee of that city. The petition was drawn up by the secretary of the committee, and was the general idea of said committee, and all the late work has been done by that body, for which much credit is due.

EVERY life saving station in the United States should be supplied with a Dobbins self righting and self bailing life boat. We have got to hear of one of another make in which a crew can go to a wrecked vessel and take off the crew on a dangerous coast with three planks stove in, as was the case when the Cleveland crew went to the schooner Zack Chandler, ashore near Noble station.

IF there is a fraud in manufacturing goods of any description that deserves reprehension it is that of making life preservers to be used on shipboard which will not float themselves.

LAKE CARRIERS' ASSOCIATION.

[Official to the MARINE RECORD.]

There will be a meeting of the board of managers of the Lake Carriers' Association, of Buffalo, in the committee rooms of the Merchants' Exchange, on Monday, Nevember 7th, at 10:30 a. m.

SUBJECTS FOR DISCUSSION.

1. The present libel law, by which a $200,000 vessel may be tied up on a $10 claim. Best course for improving the existing laws upon the subject.

2. The order of the U. S. supervising inspectors last winter, making uniform the steering gear on steam vessels. Advisability of making permanent the present suspension of the order, or of a new order, making all steam vessels on the lakes steer as do now the sail craft. Advisability of sending a committee to Washington, to the meeting of the U. S. board of supervising inspectors, January 18, at which meeting the question will probably be decided. [The secretary will endeavor, in co-operation with the Cleveand Vessel Owners' Association, and partly at their suggestion, to get full statistics of the way in which lake vessels now steer, both steam and sail.]

3. The advisability of a harbor of refuge at Grand Marias, as set forth in a petition to congress, submitted to the association.

4. Duluth range lights.

5. The advisability of requesting masters of vessels to report to this association any failure on the part of government employes at lighthouses, etc., to show proper lights, or give proper signals; or on the part of passing vessels to answer signals, etc., etc.

6. Such other business as may come before the meeting.

Managers who can not attend the meeting are requested to write fully to the secretary their views on each of the above mentioned subjects, as also on any other subjects which they may desire taken up. Vesselmen generally are requested to send to the secretary, before the meeting, any information on these or kindred subjects which they think may prove of value to the board.

By order of the President,

FRANCIS ALMY, Secretary.

JUSTICE RENDERED.

To the Editor of the Marine Record:

DETROIT, October 30.

I wish to contradict in your columns the statement given in the Chicago *Inter-Ocean* of the storm in which the schooner Polynesia was lost. That paper stated that the engineer of the steamer Raleigh which was towing the Polynesia, sent word to me different times that he could not keep the engine together unless we let go of the tow line. This is false. Mr. Eardly, the engineer, never sent word to me, nor did any of the crew mention letting go the tow line.

Yours very truly, A. H. REED,
Master of steamer Raleigh.

OBITUARY.

CAPTAIN NATHANIEL BROWN.

A despatch from Ashtabula announces the death of Captain Nathaniel W. Brown, who was one of the oldest masters of the lower lakes. He died at his home on Station street, of an apoplectic stroke Tuesday morning. He was in his usual health up to a late hour last evening, when first stricken. He was nearly eighty years of age, having been born at Saybrook October 31, 1807. At the early age of twenty-three he was captain of the 42-ton schooner Elisha Whittlesey, built here in 1829. He was next master of the 62-ton schooner Nehemiah Hubbard, which brought the first wheat in bulk, 3,000 bushels, from Chicago to Buffalo. In 1837 the passenger steamboat Washington was built here by Captain Savage fgom timber near this harbor. She was sailed by Captain Brown on her first round trip between Detroit and Buffalo, and in doing so was burned off Silver Creek and about fifty people lost their lives. No blame was attached to captain or crew, as they did everything they could during that awful calamity to assist in saving the boat and her load of human freight. Captain Brown next sailed in the brig Missouri, the schooner Signal, then in the passenger steamboat DeWitt Clinton, which ran between Toledo and Buffalo in 1850-1, at which time Mayor Gardner was clerk and steward with Captain Brown. He closed his sailing days on the steamboat Baltic, which ran between Buffalo and Detroit in 1863. He has until within the last few years lived on a farm in this vicinity, moving into town about six years ago. He was twice married but out-lived both wives. and at his death he leaves four daughters His many good qualities and kind deeds will remain in the memory of many friends.

CAPTAIN JOHN VAN ALSTYNE.

Captain John VanAlstyne, who left the schooner W. I. Preston at Buffalo a few weeks ago, died at Oswego on the 26th of October, aged sixty-five years. He was suffering from kidney trouble, and rapidly grew worse after reaching home. Buffalo papers give the story of his sailor life about as follows: It began in 1836 when he shipped at Oswego as a cook on the schooner Eagle. In 1838 he was a sailor on the Robert Burns. In the fall of 1839 he went to New York and shipped on the brig Excelsior for Savannah. Remaining on the ocean till 1842, he returned to Oswego and went on the propeller Vandalia, the first screw steamer on fresh water. In 1844 he was mate of the schooner Josephine, and in 1845 he took command of his first vessel, the Morselle. After that he successively sailed the Moses and Elias, Josephine, Odd Fellow, Hungarian, Monitor, Emeu, G. C. Finney, and in 1872 the W. I. Preston, on which he remained till a few days ago. In 1854 he lost the only vessel in his long career, the Odd Fellow, being driven on the North Manitou in a snow storm and totally destroyed. In 1855 he handled a tug at Oswego, and was customs inspector for three years from 1858. From 1869 to 1872 he commanded a variety store in Oswego. It is stated that Captain Van Alstyne never used a barometer, a spirit compass or patent log. He always relied on his judgment and seldom made a mistake. He held the office of justice of the peace at Oswego when he died.

CAPTAIN ROBERT KERR.

Among the sad events of the week is the death of Captain Karr, one of the oldest and best known masters on the lakes. The death of Captain Kerr was occasioned by an accident, he having been knocked overboard by the jibing of a sail in the Detroit river although a boat was lowered at once the unfortunate man did not come to the surface, and the body could not be found. Captain Kerr leaves a family living on Twenty-third avenue, Cleveland, and his son sails the schooner Delaware. Captain Kerr was owner and master of the schooner Constitution and intended after the last trip to retire from the lakes and turn his schooner over to his son Robert. In 1884 Captain Kerr owned and sailed the schooner Sunnyside when she was wrecked and proved a total loss. Captain Kerr was a man of sterling qualities and had the respect of all acquaintances. His body has not yet been recovered and vessel masters are requested to keep a look out for it in passing Detroit river.

LAKE FREIGHTS.

Freights declined a shade during the week on account of the scarcity of cargoes a many ports. We quote:

ORE.

Escanaba to Chicago	1.00
Escanaba to Ohio ports	1.85
Marquette to Ohio ports	2.85@3.00
Ashland to Ohio ports	2.75
Two Harbors to Ohio ports	2.85@2.90

GRAIN.

Wheat, Duluth to Buffalo	7½c
Corn, Chicago to Buffalo	4¾c
Wheat, Chicago to Buffalo	5c
Wheat, Milwaukee to Buffalo	5c
Wheat, Detroit to Buffalo	2¾c

COAL.

Buffalo to Milwaukee	1.00
Buffalo to Chicago	1 00
Buffalo to Duluth	05c
Cleveland to Milwaukee	1.10
Cleveland to Chicago	1.25
Cleveland to Duluth	85c
Erie to Duluth	85c
Erie to Chicago	1.00
Erie to Milwaukee	1.00
Erie to Escanaba	80c
Sandusky to Ashland	1 00
Sandusky to Washburn	85c
Sandusky to Milwaukee	1.10
Saudusky to Racine	1.15
Toledo to Ashland	1.00
Toledo to Washburn	1.00
Toledo to Duluth	85c
Toledo to Milwaukee	1.10

LUMBER.

Bay City to Tonawanda	$2.75
Bay City to Ohio ports	2.50
Saginaw to Tonawanda	2.87
Saginaw to Ohio ports	2.50

A round the Lakes Continued from 1st Page]

ALPENA.

The schooner Mary D. Ayer is ashore and scuttled at Rogers city dock and is pounding hard. A wrecking outfit and the tug Ralph, with the schooner Minnie Davis, has gone to her assistance.

The steambarge Elfin-Mere, with consorts Lottie Mason, Acontias, and Moss, parted their tow lines in the snow squall Saturday. Her barges all went ashore on Presque Isle. The Acontias and Moss were lumber laden from Cheboygan to Detroit; the Lottie Mason for Buffalo. The steambarge is safe in Presque Isle harbor. After being in the rigging five hours the crew of the Mason were rescued by the Middle Island life saving crew. The crew then went to the rescue of the crews of the Moss and Acontias. The sea is running high and the vessels are liable to go to pieces.

The schooner Mineral State is ashore at North Point, pounding hard on the rocks, and liable to go to pieces. The crew have abandoned her.

The barge Fame, ashore at Presque Isle, is going to pieces.

The schooner Wabashene, just arrived in port, lumber laden, is water logged.

GREEN BAY.

Altred Stone, the sole survivor of the Vernon said that when the Vernon left Frankfort at 7 o'clock last Friday evening her cargo consisted of apples, fish, potatoes, pig iron, and staves, and the load was unusually heavy, the boat being loaded about one foot deeper than usual, and the deck being only about six inches above water. After leaving Frankfort the weather was fine and continued so until between 9 and 10 o'clock, when a gale from the northwest set in. Stone says he was on watch till midnight. The sea rose rapidly and the boat labored heavily, although she seemed while he was on deck to steer pretty well. Her excessive load between decks prevented the closing of the gangways. At the gangways the deck was only one and one-half inches above water on the starboard side and six inches on the port side. She rolled a good deal until about 4 a. m. and then water was washing through the gangways. Before that hour there was at one time considerable water in the hold, which they pumped out with a syphon, and supposed everything was all right.

CHEBOYGAN.

The life saving crew of Middle Island did noble work in rescuing the crew of the barge Nellie Mason during the storm of Saturday morning at Presque Isle. They dragged their boat a mile through the woods opposite the wreck and she swamped several times as they attempted to launch her, and the men were thrown in the water and were almost dead with cold, but like heroes succeeded in reaching the vessel and rescued the crew, who were clinging to the icy wreck. Seas completely buried her, and if they had not been soon rescued would have perished, as she was coated with ice to her mastheads and was full of water. Part of herdeck load was washed off. The tug Leviathan is working at her and will save her.

MILWAUKEE.

The loss of the passenger propeller Vernon, which was wrecked in the gale that swept Lake Michigan Saturday, and her crew of twenty-two persons and the passengers, number unknown, supposed to have been lost, involves a greater loss of life than any of the previous disasters on the lake this season, not excepting the propeller Champlain which burned early in the spring off Charlevoix, causing the death of twenty-two persons. A most singular coincidence is that the Vernon was the vessel which took the place of the Champlain in the Northern Michigan line, and had only been on the line since August 1. She was one of the finest furnished passenger boats on the lakes, and had a va'uation of $75,000. Captain Moran, of the steamship Superior, which arrived at 8:30 o'clock Saturday brought the first news of the wreck. Captain Moran, of the Superior, saw three or four rafts with men clinging to them, and also a small boat containing a woman and three men. Though he made an effort to rescue them, the high sea prevented the rendering of any assistance, the Superior being herself disabled, and requiring the the crew's best efforts. It was about 10 o'clock in the evening when the first signs of the wreck, in the shape of floating cargo and furniture, were seen. About an hour later the rafts were sighted. On some the occupants were almost gone, while others signaled the Superior for help. P. J. Klein & Burk, who chartered the Vernon to replace the Champlain, burned early in the season, received the first information of the disaster. After hearing the account as reported by Captain Moran he felt assured that it was the Vernon. He did not know what passengers were on board, and of the crew could only give the following names: The Vernon carried a crew of twenty-two men, among whom were the following: Captain George Thorpe, of Ogdensburg, N. Y., master. Captain Collins, mate, who formerly sailed the schooner Golden West. Captain Higgins, second mate, who sailed the barge Leland last year. F. W. Burke, clerk. He was the oldest son of Mr. Burke, one of the part owners of the vessel. Charles Marceau, first engineer. Frank M. Hall, second engineer, brother of Ed. Hall, of Chicago. Martin Beau, steward. A porter, a brother of Martin, both having been on the Champlain when she burned. The Vernon was owned by A. Booth, of Chicago, and was valued at $75,000. She was a year old and insured for $35,000. She ran between Chicago and Mackinaw, and picked up freight at the ports where she touched, carrying it at the risk of her owners. She was built in Chicago and was the largest boat ever built there. Her tonnage was 560 tons, classed A1, built by J. P. Smith in 1886.

Every vessel known to have passed the scene of the propeller Vernon's wreck off Two Rivers point last Saturday, has undoubtedly reached port by this time, and as none have reported picking up anybody on the lake there is now no doubt that every one on board when she left Glen Haven is dead, as no one would have survived the exposure to the cold more than a few hours. The crew numbered twenty-six, and it is believed the passengers did not exceed ten in all, as the low state of water prevented the Vernon from landing at the two principal ports, Charlevoix and Frankfort. The only names additional to those given above are those of William Albers, Saukville, Wis.; Miss Dunlevy, of St. James, Beaver Island; and Mr. Dutcher, a deck hand. Five fishing tugs left Two Rivers Tuesday afternoon, and eight miles off the life saving station one of them encountered a mass of wreckage. It included a yawl boat with the name Vernon painted on it, a piece of an ice box, and a piece of the cabin. Five oars were strapped to the yawl, which was bottom side up and had two holes in her bottom. Another tug found some of the Vernon's buckets floating about. Twelve miles northeast of Sheboygan a fishing tug came across a life raft. The words steamer Vernon were stamped on it. There was promiscuous lot of clothing on the raft, but no papers were found on them. Not a single body has been found and the ten men who were reported frozen stiff and stark in their life preservers have not been seen again. The wind is off shore, and the tendency is to drive all the unfortunates to midlake. The wreckage must have been scattered in all directions, as sections of the pilot house have been found eighteen miles apart. The captain of the life saving station at Two Harbors examined the life preservers picked up off Cheboygan reefs and found them almost worthless. They had evidently all been worn, as the belts remained tied, but were made of grass instead of cork and had become so saturated that they were too heavy to float a body and had apparently been slipped off by the wearers when they found themselves being dragged down by their weight. The knot of one had been cut as though with a knife, and the captain of the life savers thought it probable that the wearer had done it when he found himself settling in the water. The worthless character of the life preservers has caused considerable indignation.

CHEBOYGAN.

The schooner Reindeer, ore laden, sprung a leak in Lake Huron Saturday and was rapidly sinking. Her rudder casing was damaged and allowed the water to come into the hold. Her flag was set at half mast, and the propeller Buffalo, bound down, put about and remained by her until she reached here and signaled for a tug. The Reindeer was towed into smooth water in time to prevent foundering. The vessel was coated with ice half way up the rigging. She had lost her foresail and foreboom.

The tug Sarah Smith went on the rocks at Manistique.

TOBERMORAY.

The steamer Alderson, from Manitoulin, reports the tow barge Silvia Mortin, of Detroit, ashore on the sandy beach near Michael's Bay, Manitoulin, having drifted from Lake Michigan. With the exception of the losing of her anchor and chain, her damages are slight, and she can be floated without difficulty. The crew of five persons are safe.

PORT HURON.

Special to the Marine Record.

Captain Vic Bonnah, of the sloop Georgie Kelley, has taken up his residence at Detroit He will be missed at C. M. Green's paint shop, where the sailors met to spin ghost stories during the winter.

The schooner Goodell, which was sunk at Bar Point, arrived up with a steam pump on board, and has gone into Dunford & Alverson's dock for repairs.

The steambarge Oswegatchie arrived here and reported the loss of her barges, the Dolphin and Norris, with all hands on board. The crew of the Norris arrived, however, on the M. L. Brcek, but the crew of the Dolphin has not yet showed up.

The fears entertained for the safety of the schooner C. H. Johnson are groundless. The vessel was at Port Huron last week. Her destination on the trip was originally Milwaukee, but her owners changed her cargo and course.

The wreckers who have been at work all season at the S. J. Tilden have her afloat. She will be docked here for repairs. The vessel is but little damaged, and this is considered one of the most successful jobs ever done on the lakes.

Captain Hunt, of the steambarge R. Martini, which lost her rudder and went ashore on Point au Barque, in a blinding snow storm, jettisoned some of the lumber and got her off. In her disabled shape he worked her back to Grindstone City and then telegraphed to Sand Beach for a tug. The tug Porter went and towed the barge to Port Huron, where she will be repaired.

The tug Crusader which was run into at Cleveland by the schooner Three Brothers, was repaired at Dunford & Alverson's; the schooner Newsboy had some calking done, and other slight repairs; schooner J. F. Card also received minor repairs.

JAY

TOLEDO.

Special to the Marine Record.

The ore docks here are loaded to their utmost capacity.

Coal for fuel here has become a very scarce article.

Lake Superior shipments will close this week.

It is said that Green tugs run around at night without their green lights.

ROMEO.

SAND BEACH.

Special to the Marine Record.

The following craft availed themselves of the harbor of refuge during the past week:

On the 24th the steamers New Orleans, Lansing, Lycoming, Flora, Oceanica, Oswegatchie, C. J. Kershaw, Wallula and consort, Onaping, H. S. Hubbell and consort, J. P. Clark and two, J. C. Pringle and three, D. F. Rose and three, schooners Seamen, H. C. Winslow, and the H. Fitzhugh with her foreboom badly sprung. On the 25th the Westford and three, Iron Duke and one, Nipigon and two, and the schooner Arctic. On the 26th the Cleveland and two in for coal, and the tug Gladiator.

A northeast gale, on the 29th, accompanied with blinding snow squalls, drove the following craft in for shelter: Steamer Sakie Shepherd, H. C. Schoor, Nahant, Forest City and one, Niagara and five, schooners A. Boody, Montmorency, Seabird, and Hercules.

The tug Niagara was forced to return from Saginaw Bay with her tow, and it was well for some of her rotten barges that a good harbor was close at hand, for had she been forced to run to the river it is very doubtful whether she would have brought them all with her. The barge Eliza, of her tow, loaded with limestone, was leaking very badly, and as soon as she was safely inside, the pumps were started, and a little later on the life saving crew went to work on her and they, with some extra men procured on shore, pumped her out, and transferred her load to another barge in the same tow.

LUFF.

DULUTH.

The Lake Superior *News* says: Commodore Inman, shortly after 4 o'clock, when he saw the black smoke of the Record looming up in the entrance several hours before she was expected to return from her long jaunt to Ashland, exclaimed, "that's a dilly trip." Leaving here at about 9 o'clock Thursday evening with the schooner Erastus Corning, the Record towed her into Ashland and had her alongside the dock in a few minutes less than eleven hours from the time of entering the canal, or at 8 o'clock. Coming back light, she crossed over to the north shore but made the trip despite a choppy sea, considerable snow and cross winds in seven and one half hours, or about thirteen miles an hour.

Wheat tonnage here is dull with rates 7½c to Buffalo. The H. A. Tuttle and Oregon and consorts are in port to load. Room is being chartered for wheat about as fast as it comes in, but the supply is limited here, there being only about 300,000 bushels of best grade available for shipment. One vessel was chartered here to take wheat from Washburn at 5c, and three charters are reported to take wheat from Port Arthur to Buffalo, one at 8c and two at 9c. There is considerable wheat to move from Port Arthur before navigation closes. All Canadian boats have been ordered off Duluth trade to run rest of season from Port Arthur. Vesselmen estimate Duluth shipments for rest of the season after this week will be about one million bushels.

DETROIT.

Craig & Son, it is said, will this winter build a steambarge at Trenton on "spec." The craft will be 270 feet over all, 41 feet beam, with 24 feet depth of hold, and be ready for commisson as soon as navigation opens next spring.

The Inter-Ocean Transportation Co. will sell the steamer Monahansett and barges Metacomet and Massasoit this winter. In their place will be substituted a steamer similar to the Manhattan, which will be ready before the close of next season.

Captain Pete Williams, of Windsor, made a sensation in river circles one day last spring by boarding the schooner H. W. Johnson in broad daylight, while she lay at anchor under the guns of Fort Wayne, and carrying a steam pump on her, valued at $3,500, over to Canada on his tug Advance. The pump was a part of the property of an insolvent tug and wrecking company, of which S. A. Murphy was president. When Captain Murphy became financially embarrassed, W. T. Charlton, also of the company, bought in the pump on a chattel mortgage. Murphy refused to deliver it, but Charlton got it just the same. The pump was kept in Canada by Murphy's threat to seize it the first time he found it in American waters, until Thursday night of last week, when Charlton determined to test the ownership. Accordingly, he sent it over on the schooner M. P. Goodchild, and half an hour later, Deputy Marshal Cash Taylor clapped a libel on it. Charlton will now bond the pump and take time next winter to fight for it in the courts.

PORT ARTHUR.

Messrs. Thomas Marks & Co. are to have steel steamer built on the Clyde this winter. She will be 253 feet long, carry 2,000 tons, on 14 feet, and run twelve miles an hour.

PORT COLBORNE.

The friends of the crew of the barge Oriental, sunk off Port Dalhousie, are endeavoring to secure tidings of the lost men. A telegram from Port Dalhousie states that the Oriental has been examined by a divera who reports that she is going to pieces, Every effort is being made to find the bodies, but without success. Mrs. Storey, mother of one of the drowned sailors, is crazed by the lamentable affair, and refuses to eat or sleep until some tidings are heard of her son. For a week she has persistently refused food and is in a delirious condition.

The schooner Sylvester Neelon is at Port Colborne, and her cargo of iron ore has been discharged. Owners of it have been notified that the vessel can not carry it westward this fall. The schooner Seaton, with which the Neelon collided, has been libeled, and action for $3,000 damages has been entered in the maritime court.

SANDUSKY.

The Canadian schooner Rob Roy, owned and commanded by Captain Nichol, of Leamington, sunk here during the terrific blow late Sunday night. She had been taking on coal for Kingsville, and a squall coming up suddenly, she swung round and struck heavily against the dock, knocking a hole in her port bow. The crew escaped.

BUFFALO.

Captain Frank Root, for several years master of the Lehigh Valley steamer Fred Mercur, resigned her command. Captain James Todd, of the R. A. Packer, was given charge of the Mercur, and Mate James Brown, of the Mercur, was promoted to be master of the Packer. Captain Todd has already shown good qualities as a navigator, and Captain Brown is highly spoken of.

The tug Hector succeeded in pulling the schooner John Kelderhouse off Long Point and towed her to Buffalo. They jettisoned about three thousand bushels of the vessel's cargo before getting her off.

The schooner L. Seaton has not been released from the marshal's custody at Point Maitland, and though no longer ashore, is tied up there. Her owner, though maintaining that he can prove the Neelon at fault in the collision that sunk the latter, has made no move to bond the Seaton. The Neelon has been raised and towed to Port Colborne.

A telegram to Brown & Co. stated tha the schooner John Kelderhouse, owned by Felthas and others of Chicago, had gone ashore at Long Point, Ont., and is one foot out, but not leaking. Captain Carter was sent from Port Colborne with tugs, picking up Captain McLeod at Port Maitland. There is $10,000 insurance on the Kelderhouse in the hull pool, and $12,000 on her cargo of rye owned by E. W. Eames. She was released by the tug Maytham and brought here. She is not damaged greatly.

The Anchor line have received the plans for converting the large propeller Philadelphia into one of the finest passenger boats on the lakes. She will be fitted with a double row of staterooms upon either side, and will be in all respects a model of excellence and comfort. She will be put on the Duluth route next season.

The Express says the schooner John Kelderhouse was not unloaded, but it is estimated that she threw over about 3,000 bushels of her grain in order to get her off Long Point Cut. She went on in a fog at three o'clock on Sunday morning, and was pulled off easily by the tug Hector, of Port Colborne. The Maytham, on reaching them, found the Hector somewhat disabled by a broken pipe, and took them both in tow. The Kelderhouse is not injured.

The schooner M. A. Muir was 133 bushels short, as reported, on account of wet grain from leaks in the bottom.

A dispatch received states that the Isaac May tow are on their way down from Alpena. Only the Waubaushene was injured. She was water logged and lost about 175,000 feet of her deck load. She has been pumped ou and is now all right.

A survey will be held here on the barge E. E. Tyson of the Cleveland tow, which lost about 125,000 feet of her deck load of lumber coming down. The tow came in on Saturday.

Captain George McLeod went to Alpena to look after matters in that vicinity. The propeller Arctic is there and her barges, Mills and Sherman, all coal laden from Buffalo, are at Oscoda, having been ashore. The schooner Nellie Mason, with lumber, is ashore off Presque Isle. The condition of these vessels is not well known here. The Arctic and tow will probably be brought back to Detroit for repairs.

The propeller Omaha goes into drydock for a new and larger sized wheel.

The propeller Margaret Olwill was short 85 bushels on her Sandusky cargo of 32,000, Tallymen report that Sandusky cargoes have again been regularly short of late.

A Lockport dispatch says: "One of Jackson & Co.'s fleet of canal boats of this city, loaded with 8,200 bushels of corn, shipped from Buffalo to New York, sunk in the canal at the guard locks just west of the city. The corn was sold to farmers at a purely nominal price. The boat was raised and is now on the drydock here, undergoing repairs. The insurance adjusters have not yet estimated the loss."

EAST TAWAS.

The life saving crew have returned from Au Sable and report that they were unable to get teams and will go up by water. The barges Sherman and Mills, coal laden went ashore on the beach above Oscoda.

FOR SALE—One 15 by 16 marine engine. Two steeple compound marine engines with cylinders 12 and 20 by 16 stroke. These are under construction and can be completed on short notice. Will furnish boilers with these if desired. For prices, etc., address
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Eastward.	Arrive	Depart.
No 4, Fast Limited Express	*2 55 A M	*2 55 A M
No 8, N. Y. B & A Express	*8 30 A M	*8 55 A M
No 26, Elyria Accommodation	†7 45 A M	.....
No 24, Buffalo Ac'm via Sandusky	†10 05 A M	†10 15 A M
No 24, Toledo Accom via Norwalk	†10 05 A M	†10 15 A M
No. 10, New York & Boston, "Flyer"	.....	*11 35 A M
No 12, N Y & B Fast Express	*2 20 P M	2* 45 P M
No 2, Night Ex via Norwalk	9 40 P M	†10 00 P M
No 22, Night Ex via Sandusky	†9 40 P M	.....
No 26, Conneaut Accommodation	†4 25 P M	.....

Westward.	Arrive.	Depart.
No 1, Fast Limited Express	*12 15 A M	*12 15 A M
No. 23, Cleveland Express	*2 15 A M	
No 3, Chicago Express via "	§5 20 A M	5 35 A M
No 25, Mich Accom Norwalk	.....	†5 35 A M
No 21, Toledo Ex via Norwalk	†12 50 P M	†3 20 P M
No 5, St Louis Ex via Sandusky	*10 50 A M	*10 55 A M
No 9, Chi Pac Ex via Norwalk	•6 15 P M	*6 40 P M
No 31, Elyria ac to Elyria only	.....	†4 30 P M
No 27, Conneaut Accommodation	†8 10 A M	.....

Sunday train for Nottingham—Depart 8:15 a. m. and 1:45 p. m.; returning, leave Nottingham at 8:50 a. m. and 3:45 p. m.

Reference marks—* Daily, † daily, except Sunday, § daily, except Monday.

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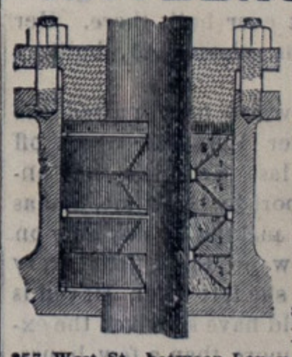

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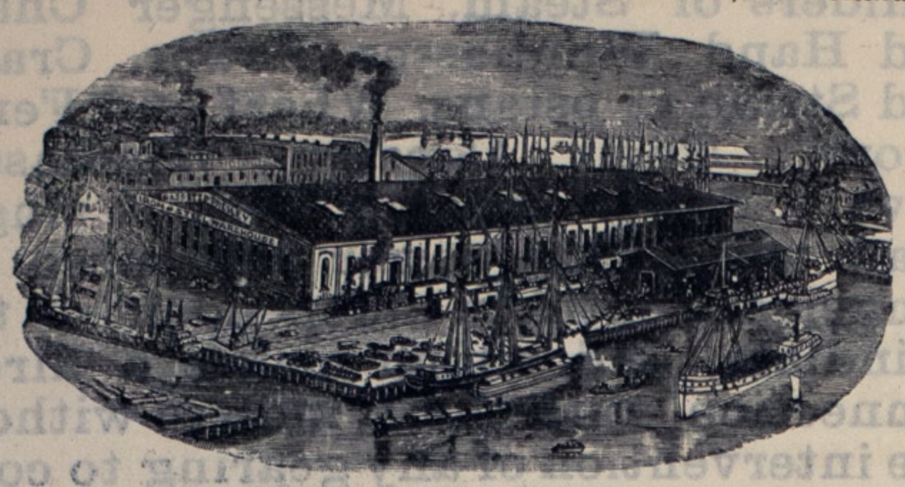

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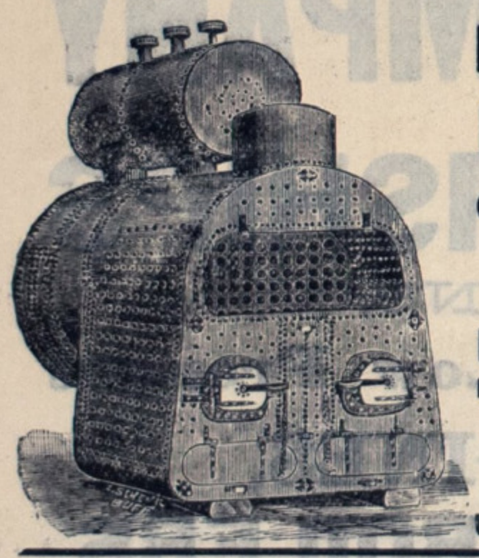

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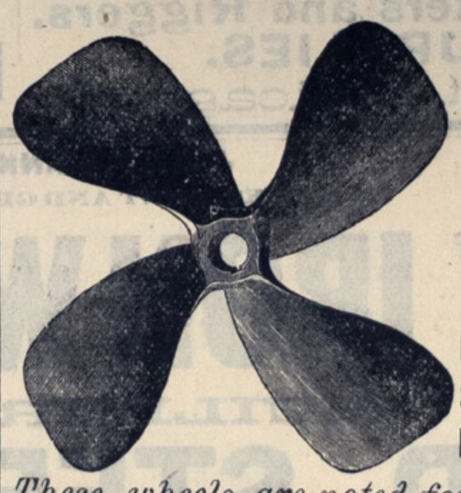

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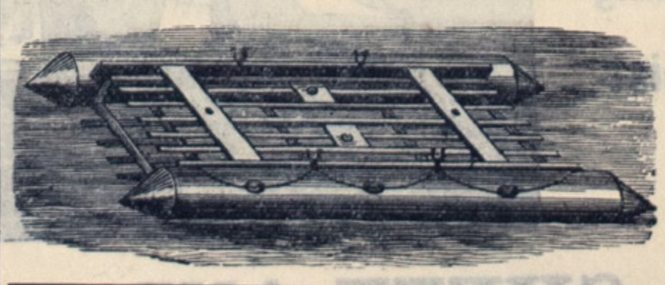

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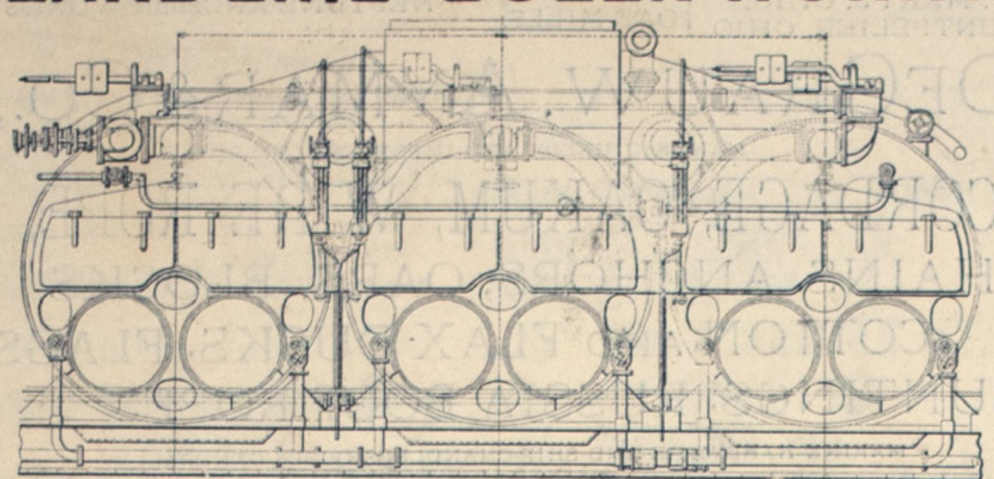

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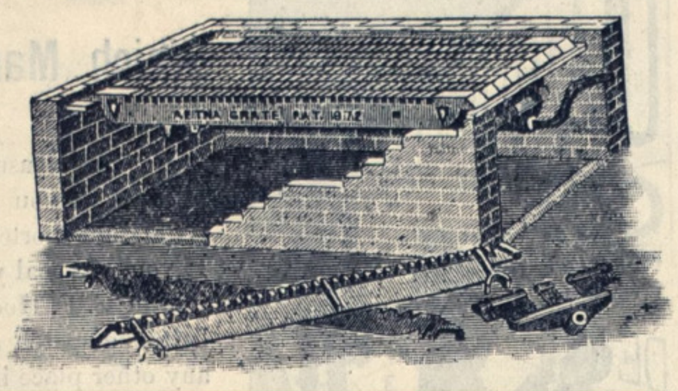

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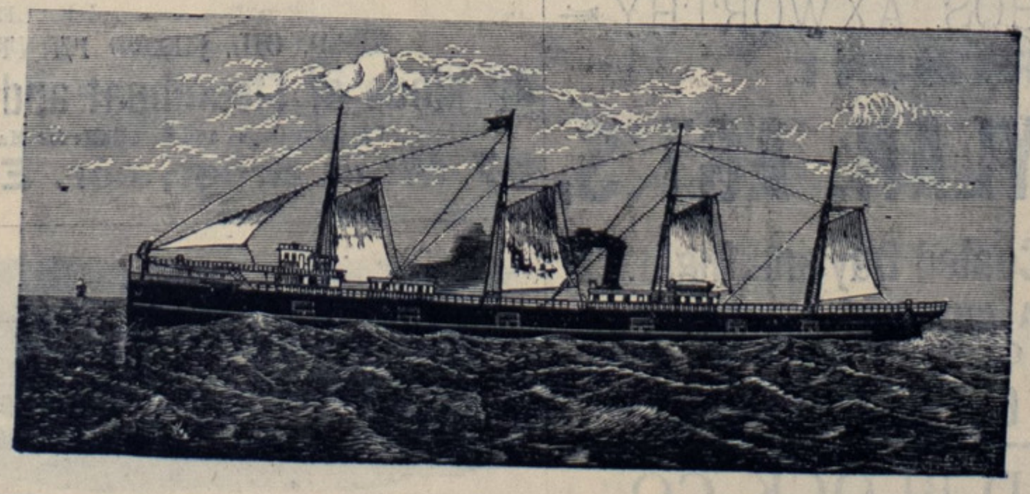

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